

*Splice* as used in § 176.172 of this part, means any repair of a freight container main structural member which replaces material, other than complete replacement of the member.

*Tray* means a type of pallet constructed to specific dimensions for handling a particular load.

[Amdt. 176-30, 55 FR 52687, Dec. 21, 1990, as amended at 66 FR 8647, Feb. 1, 2001; 66 FR 33438, June 21, 2001; 66 FR 45184, Aug. 28, 2001; 67 FR 61015, Sept. 27, 2002; 68 FR 75747, 75748, Dec. 31, 2003; 69 FR 76179, Dec. 20, 2004; 73 FR 57006, Oct. 1, 2008; 74 FR 2268, Jan. 14, 2009; 76 FR 3384, Jan. 19, 2011]

### § 176.3 Unacceptable hazardous materials shipments.

(a) A carrier may not transport by vessel any shipment of a hazardous material that is not prepared for transportation in accordance with parts 172 and 173 of this subchapter, or as authorized by subpart C of part 171 of this subchapter.

(b) A carrier may not transport by vessel any explosive or explosive composition described in § 173.54 of this subchapter.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-30, 55 FR 52688, Dec. 21, 1990; 74 FR 2268, Jan. 14, 2009]

### § 176.4 Port security and safety regulations.

(a) Each carrier, master, agent, and charterer of a vessel and all other persons engaged in handling hazardous materials on board vessels shall comply with the applicable provisions of 33 CFR parts 6, 109, 110, 125, 126, and 160.

(b) Division 1.1 and 1.2 (explosive) materials may only be loaded on and unloaded from a vessel at—

(1) A facility of particular hazard as defined in 33 CFR 126.05(b);

(2) An explosives anchorage listed in 33 CFR part 110; or

(3) A facility operated or controlled by the Department of Defense.

(c) With the concurrence of the COTP, Division 1.1 and 1.2 (explosive) materials may be loaded on or unloaded from a vessel in any location acceptable to the COTP.

[Amdt. 176-30, 55 FR 52688, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

### § 176.5 Application to vessels.

(a) Except as provided in paragraph (b) of this section, this subchapter applies to each domestic or foreign vessel when in the navigable waters of the United States, regardless of its character, tonnage, size, or service, and whether self-propelled or not, whether arriving or departing, underway, moored, anchored, aground, or while in dry dock.

(b) This subchapter does not apply to:

(1) A public vessel not engaged in commercial service;

(2) A vessel constructed or converted for the principal purpose of carrying flammable or combustible liquid cargo in bulk in its own tanks, when only carrying these liquid cargoes;

(3) A vessel of 15 gross tons or smaller when not engaged in carrying passengers for hire;

(4) A vessel used exclusively for pleasure;

(5) A vessel of 500 gross tons or smaller when engaged in fisheries;

(6) A tug or towing vessel, except when towing another vessel having Class 1 (explosive) materials, Class 3 (flammable liquids), or Division 2.1 (flammable gas) materials, in which case the owner/operator of the tug or towing vessel shall make such provisions to guard against and extinguish fire as the Coast Guard may prescribe;

(7) A cable vessel, dredge, elevator vessel, fireboat, icebreaker, pile driver, pilot boat, welding vessel, salvage vessel, or wrecking vessel; or

(8) A foreign vessel transiting the territorial sea of the United States without entering the internal waters of the United States, if all hazardous materials being carried on board are being carried in accordance with the requirements of the IMDG Code (IBR, see § 171.7 of this subchapter).

(c) [Reserved]

(d) Except for transportation in bulk packagings (as defined in § 171.8 of this subchapter), the bulk carriage of hazardous materials by water is governed

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by 46 CFR chapter I, subchapters D, I, N and O.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-1A, 41 FR 40687, Sept. 20, 1976; Amdt. 176-14, 47 FR 44471, Oct. 7, 1982; Amdt. 176-24, 51 FR 5974, Feb. 18, 1986; Amdt. 176-30, 55 FR 52688, Dec. 21, 1990; 56 FR 66281, Dec. 20, 1991; Amdt. 176-34, 58 FR 51533, Oct. 1, 1993; 66 FR 8647, Feb. 1, 2001; 68 FR 75747, Dec. 31, 2003]

### § 176.7 Documentation for vessel personnel.

Each owner, operator, master, agent, person in charge, and charterer must ensure that vessel personnel required to have a license, certificate of registry, or merchant mariner's document by 46 CFR parts 10 and 12 possess a license, certificate or document, as appropriate.

[68 FR 23842, May 5, 2003]

### § 176.9 "Order-Notify" or "C.O.D." shipments.

A carrier may not transport Division 1.1 or 1.2 (explosive) materials, detonators, or boosters with detonators which are:

(a) Consigned to "order-notify" or "C.O.D.", except on a through bill of lading to a place outside the United States; or

(b) Consigned by the shipper to himself unless he has a resident representative to receive the shipment at the port of discharge.

[Amdt. 176-30, 55 FR 52688, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

### § 176.11 Exceptions.

(a) A hazardous material may be offered and accepted for transport by vessel when in conformance with the IMDG Code (IBR, see § 171.7 of this subchapter), subject to the conditions and limitations set forth in subpart C of part 171 of this subchapter. The requirements of §§ 176.83, 176.84, and 176.112 through 176.174 are not applicable to shipments of Class 1 (explosive) materials made in accordance with the IMDG Code. A hazardous material which conforms to the provisions of this paragraph (a) is not subject to the requirement specified in § 172.201(d) of this subchapter for an emergency response telephone number, when transportation of the hazardous material

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originates and terminates outside the United States and the hazardous material—

(1) Is not offloaded from the vessel; or

(2) Is offloaded between ocean vessels at a U.S. port facility without being transported by public highway.

(b) Canadian shipments and packages may be transported by vessel if they are transported in accordance with this subchapter. (See subparts B and C of part 171 of this subchapter.)

(c) The requirements of this subchapter governing the transportation of combustible liquids do not apply to the transportation of combustible liquids in non-bulk (see definitions in § 171.8 of this subchapter) packages on board vessels.

(d) Transport vehicles, containing hazardous materials loaded in accordance with specific requirements of this subchapter applicable to such vehicles, may be transported on board a ferry vessel or carfloat, subject to the applicable requirements specified in §§ 176.76, 176.100, and subpart E of this part.

(e) Hazardous materials classed and shipped as ORM-D are not subject to the requirements of this part unless they are offered for transportation as hazardous wastes.

(f) Paragraph (a) of this section does not apply to hazardous materials, including certain hazardous wastes and hazardous substances as defined in § 171.8 of this subchapter, which are not subject to the requirements of the IMDG Code.

(g) The requirements of this subchapter do not apply to atmospheric gases used in a refrigeration system.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 176.11, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

### § 176.13 Responsibility for compliance and training.

(a) Unless this subchapter specifically provides that another person shall perform a particular duty, each